

**Emergency Rule**  
LSA Document #07-673(E)

**DIGEST**

Temporarily adds rules to establish minimum standards for use by a small employer in establishing a wellness program to improve the health of employees of the small employer and to establish criteria and a process for certification of a small employer's wellness program for purposes of [IC 6-3.1-31.2](#). Authority: [IC 4-22-2-37.1](#); [IC 16-19-3-5](#); [IC 16-46-13](#). Effective October 10, 2007.

**SECTION 1. The definitions in this document apply throughout this document.**

**SECTION 2. "Certification" means the approval of a wellness program by the ISDH wellness advisory board.**

**SECTION 3. "Employee" means a full-time employee who is employed to work at least thirty (30) hours each week.**

**SECTION 4. "Registered vendor" means a vendor that has been approved by the ISDH wellness advisory board to offer wellness programs to small employers.**

**SECTION 5. "Small employer" has the meaning set forth in [IC 6-3.1-31.2-3](#).**

**SECTION 6. "State department" refers to the state department of health.**

**SECTION 7. "State health commissioner" means the state health commissioner of the state department of health.**

**SECTION 8. "Wellness program" means a plan designed to improve the health of employees of a small employer that includes components for the following:**

- (1) employee appropriate weight loss;**
- (2) smoking cessation; and**
- (3) the pursuit of preventative health care services.**

**SECTION 9. "Vendor" means a business or organization that offers the service of providing wellness programs to employers as part of their normal business practice.**

**SECTION 10. The state department will appoint one (1) state department employee and three (3) members of the community to the ISDH wellness advisory board to certify wellness programs and register vendors. The state health commissioner or her designee will serve as an ex officio member.**

**SECTION 11. To become a registered vendor, a vendor must submit a written description of a wellness program that meets the criteria established in SECTION 13 of this document to the state department. The written description must include detailed information regarding the education, assessments, rewards program, and measurement tool for each of the three (3) components of the wellness program.**

**SECTION 12. Registered vendors may be required to resubmit written descriptions in order to maintain registration as a registered vendor after the expiration of this document.**

**SECTION 13. To be a wellness program considered for certification, the wellness program must include the following criteria for each of the three (3) program components (employee appropriate weight loss, smoking cessation, and the pursuit of preventative health care services):**

- (1) Education materials that provide information to employees about each component of the wellness program.**
- (2) Assessments that serve as a means of evaluating health status of the employer's workforce.**
- (3) Rewards program that provides incentives for motivating employees to complete one (1) or more of the components of the wellness program.**
- (4) Measurement tool that evaluates the success and validity of each wellness program component.**

**SECTION 14. A small employer must submit the following items to the state department to receive certification:**

- (1) documentation that the small employer is or will be offering to its employees a wellness program through a registered vendor; or**
- (2) a processing fee of \$250 and a written description of a wellness program that meets the criteria established in SECTION 13 of this document. The written description must include detailed information regarding the education, assessments, rewards program, and measurement tool for each of the three (3) components of the wellness program.**

**SECTION 15. The request for certification must be submitted to the state department between November 1 and December 1, 2007, for certification of a wellness program for 2007.**

**SECTION 16. The state department will issue certificates to small employers that submit applications that fulfill the requirements of this document.**

**SECTION 17. Certifications issued in 2007 will expire on December 31, 2007.**

**SECTION 18. The state department may provide a list of all small employers that have received certification to the department of revenue.**

**SECTION 19. SECTIONS 1-19 of this document [SECTIONS 1 through 18 of this document] take effect October 10, 2007.**

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